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| Application Number   | 09/506,676        |
| Filing Date          | February 17, 2000 |
| First Named Inventor | D. Kronk          |
| Art Unit             | 2155              |
| Examiner Name        | M. Y. Won         |

Attorney Docket Number 911-003.4

### ENCLOSURES (Check all that apply)

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| Printed name | Keith R. Obert  |          |        |
| Date         | September 5, 2006   | Reg. No. | 58,051 |

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Attorney Docket No. FLO1372-026 (911-003.4)  
Serial No. 09/506,676

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re Application of: D. Kronk

Serial No: 09/506,676 : Examiner: M. Y. Won

Filed: February 17, 2000 : Group Art Unit: 2155

For: SYSTEM AND METHOD FOR CONTROLLING  
ENVIRONMENT MAINTENANCE EQUIPMENT

**MAIL STOP APPEAL BRIEF**

Commissioner for Patents  
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REPLY BRIEF (37 C.F.R. § 41.41)

Sir:

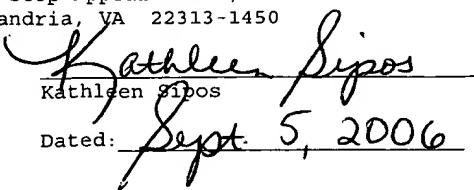
This is a reply brief in regard to a Final Office Action (mailed June 24, 2005), and in furtherance of an Appeal Brief (mailed April 25, 2006), and in reply to an Examiner's Answer (mailed July 5, 2006).

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Kathleen Sibos

Dated: Sept. 5, 2006

REMARKS

The Office has acknowledged that the information required in appellant's Appeal Brief under 37 C.F.R. § 41.37(c)(1) is correct, with the exception of claim 29 presented in the claims Appendix. Therefore, appellant will not repeat the information previously presented. Appellant has provided a clean version of the appealed claims in an Appendix attached to this reply in which the correct version of claim 29 is presented.

Claims 21-26 and 29-31 are rejected under 35 U.S.C. § 102(e) as being anticipated by Smith et al. (U.S. Patent No. 6,192,828). Claims 27 and 28 are rejected under 35 U.S.C. § 103(a) as unpatentable over Smith in view of Gray et al. (U.S. Patent No. 5,568,402).

In response to the arguments presented by the Office in the Examiner's Answer of July 5, 2006 appellant responds by referring to the arguments previously submitted in appellant's Appeal Brief of April 25, 2006, and the additional arguments presented below.

ARGUMENT

Claim 21

On page 13 of the Examiner's Answer, the Office asserts that it is unnecessary to combine the teachings of the centralized processing embodiment and distributed processing

embodiment discussed in Smith, because the centralized system of Smith discloses all of the limitations recited in claim 21.

First, appellant would like to reassert that the centralized and distributed embodiments are not interchangeable. See Smith column 2, lines 49-51 (the invention may be implemented in either a centralized processing embodiment or a distributed processing embodiment). The discussion of the different embodiments in Smith makes it clear that either one or the other embodiment is used, but not a combination of both at the same time. In fact, one of ordinary skill in the art would appreciate that it is undesirable to combine each embodiment because the centralized embodiment has its own controller, and each subsystem in the distributed embodiment has its own controller. Therefore, superfluous controllers in the building automation system will exist if the embodiments were combined. In addition, for at least the reasons discussed below the centralized processing system does not disclose or suggest all of the limitations recited in claim 21.

On page 14 of the Examiner's Answer, the Office states that it is unclear why appellant has asserted that Smith's centralized processing system is very different from the claimed invention. However, as stated in appellant's Appeal Brief, the centralized system is very different from the claimed invention because Smith discloses that numerous subsystems are all coupled

to a centralized controller 13 via different protocols. In contrast, claim 21 recites that interface control server messaging controls and client or user interface messaging controls exchange messages and communicate with each other using a common messaging control protocol. Therefore, Smith's centralized processing system is different from the claimed invention because it does not use a common messaging control protocol for controlling a plurality of outdoor environmental maintenance equipment. See Smith column 3, lines 17-20 (plurality of building automation subsystems may individually respond to a relatively large number of different control protocols which are generally incompatible).

In addition, contrary to the assertions in the Examiner's Answer the generic control instructions discussed by Smith are only generic to a particular subsystem type. See Smith column 4, lines 17-20. The generic commands control particular subsystem types, but are not employed to control the entire system. Instead, the generic control instructions are only used to control a particular subsystem type, for example all of the lighting systems. Furthermore, the fact that Smith discloses, according to the Office on page 14 of the Examiner's Answer, that the control instructions are translatable from one protocol to another, only serves to reinforce the fact that Smith fails to disclose or suggest a common messaging control protocol for

controlling a plurality of outdoor environmental maintenance equipment, as recited in claim 21. It would not be necessary for Smith to discuss translating one protocol to another if a common messaging protocol were used.

Furthermore, on page 16 of the Examiner's Answer, it is asserted that appellant has relied upon features which are not recited in claim 21. However, appellant respectfully submits that appellant was not relying upon these features to distinguish the claims from Smith, but was merely explaining the limitation recited in claim 21 of "each messaging control being usable for communication with at least two or more messaging controls in the system so that each client or user interface can provide messages for controlling each of the plurality of outdoor environmental maintenance equipment." Smith requires that all communication be routed through a central controller 13 in order for one subsystem device to communicate with a device on another subsystem. A prior art reference does not anticipate a claim unless the elements of the claim are arranged in the prior art reference as required by the claim. *In re Bond*, 15 USPQ2d 1566, 1567 (Fed. Cir. 1989); MPEP § 2131. Therefore, the elements of claim 21 are not arranged in Smith as required by the claim, because Smith contains a central controller for communicating between the subsystems of the building automation system.

For at least the reasons discussed above and those offered in appellant's Appeal Brief, appellant maintains that Smith fails to disclose or suggest the claimed invention regardless of whether the rejection of the claims is based on only the centralized embodiment, or the centralized and distributed embodiments in combination.

Dependent Claims 22-28

Dependent claims 22-26 depend directly or indirectly from claim 21, contain all the limitations therein, and are not anticipated by Smith for the reasons discussed above in relation to claim 29.

In addition, dependent claims 27-28 depend directly or indirectly from claim 21, contain all the limitations therein, are not unpatentable over Smith in view of Gray. In effect, Gray does not make up for the deficiency of Smith regarding any of the points of distinction set forth above.

Claim 29

Independent claim 29 is a method for controlling a plurality of outdoor environmental maintenance equipment based on an open client-server architecture for golf courses, ski resorts, other outdoor recreational areas or any other application involving managing of an outdoor environment. Claim

29 recites a method for carrying out the system of claim 21, and is rejected for the same reasons as claim 21. It is respectfully submitted that the subject matter of claim 29 is not anticipated by Smith for all the same reasons discussed above in relation to claim 21.

Dependent Claims 30-31

Dependent claims 30-31 depend directly or indirectly from claim 29, contain all the limitations therein, and are not anticipated by Smith for the reasons discussed above in relation to claim 29.

Conclusion

In view of the above arguments, appellant respectfully submits that the reasoning of the rejection of these claims is in error, and should be reversed.

Respectfully submitted,



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**CLAIMS APPENDIX**

Claims 1-20 (Cancelled).

21. (Previously Presented) A system for controlling a plurality of outdoor environmental maintenance equipment having different user interfaces based on an open client-server architecture for golf courses, ski resorts, other outdoor recreational areas or for any application involving and managing of an outdoor environment, comprising:

client or user interfaces for providing messages for controlling the plurality of outdoor environmental maintenance equipment, and receiving responses containing information about the plurality of outdoor environmental maintenance equipment;

client or user interface messaging controls, each associated with a respective one of the client or user interfaces;

interface control servers, each for controlling a respective one of the plurality of outdoor environmental maintenance equipment; and

interface control server messaging controls, each associated with a respective one of the interface control servers, the interface control server messaging controls and the client or user interface messaging controls exchanging messages

and communicating with each other using a common messaging control protocol for controlling the plurality of outdoor environmental maintenance equipment, each messaging control being usable for communication with at least two or more messaging controls in the system so that each client or user interface can provide messages for controlling each of the plurality of outdoor environmental maintenance equipment, and also can receive responses containing information about each of the plurality of outdoor environmental maintenance equipment.

22. (Previously Presented) A system according to claim 21, wherein the common messaging control protocol is transmission control protocol/Internet protocol (TCP/IP) .

23. (Previously Presented) A system according to claim 21, wherein the common messaging control protocol is text messaging.

24. (Previously Presented) A system according to claim 21, wherein each interface control servers communicate with a respective interface control server messaging control using interprocessing calls/events.

25. (Previously Presented) A system according to claim 21, wherein the at least one client user interface, the at least one

client or user interface messaging control, the interface control servers, interface control server messaging controls, or a combination thereof, form part of different domains including either a personal computer (PC), a local area network (LAN), the world wide web (WWW), or a combination thereof.

26. (Previously Presented) A system according to claim 21, wherein the plurality of outdoor environmental maintenance equipment includes an irrigation system, a pump station, a weather station or other environmental maintenance equipment.

27. (Previously Presented) A system according to claim 21, wherein the client or user interface includes a system control and data acquisition (SCADA) having a messaging control arranged therein.

28. (Previously Presented) A system according to claim 21, wherein the client or user interface includes one or more site managers, each having a messaging control arranged therein.

29. (Previously Presented) A method for controlling a plurality of outdoor environmental maintenance equipment based on an open client-server architecture for golf courses, ski resorts, other outdoor recreational areas or for any application involving and managing of an outdoor environment, comprising the steps of:

providing with client or user interfaces messages for controlling the plurality of outdoor environmental maintenance equipment, and receiving responses containing information about the plurality of outdoor environmental maintenance equipment;

associating each client or user interface with a respective client or user interface messaging control;

controlling with interface control servers the plurality of outdoor environmental maintenance equipment;

associating each client or user interface control server with a respective interface control server messaging control; and

exchanging messages and communications between interface control server messaging controls and client or user interface messaging control messages using a common messaging control protocol for controlling the plurality of outdoor environmental maintenance equipment, each messaging control being usable for communication with at least two or more other messaging controls in the system so that each client or user interface can provide

messages for controlling each of the plurality of outdoor environmental maintenance equipment, and also can receive responses containing information about each of the plurality of outdoor environmental maintenance equipment.

30. (Previously Presented) A system according to claim 29, wherein the common messaging control protocol is transmission control protocol/Internet protocol (TCP/IP).

31. (Previously Presented) A system according to claim 29, wherein the common messaging control protocol is text messaging.